

**State of California
Regional Water Quality Control Board
Central Coast Region**

Resolution No. R3-2021-0039

Certification of Environmental Impact Report for the General Waste Discharge Requirements for Discharges from Irrigated Lands in the Central Coast Region

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board), finds that:

1. The Central Coast Water Board prepared an Environmental Impact Report (EIR) to evaluate the environmental effects of reasonably foreseeable actions that could be taken to comply with the General Waste Discharge Requirements (WDRs) for Discharges from Irrigated Lands (Project or Order) and identified potentially feasible alternatives and mitigation measures to reduce potentially significant impacts. The Central Coast Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR fulfills the Central Coast Water Board's CEQA compliance requirements for issuance of WDRs.
2. The Central Coast Water Board will consider adoption of the Order to:
 1. Protect and restore beneficial uses and achieve water quality objectives specified in the Basin Plan for commercial irrigated agricultural areas in the central coast region by:
 - a. Minimizing nitrate discharges to groundwater;
 - b. Minimizing nutrient discharges to surface water;
 - c. Minimizing toxicity in surface water from pesticide discharges;
 - d. Protecting riparian and wetland habitat; and
 - e. Minimizing sediment discharge to surface water.
 2. Effectively track and quantify achievement of 1.a. through e. over a specific, defined time schedule.
 3. Comply with the State Nonpoint Source Pollution Control Program, the State Antidegradation Policy, relevant court decisions such as those pertaining to Coastkeeper et al lawsuits, the precedential language in the Eastern San Joaquin Agricultural Order, and other relevant statutes and water quality plans and policies, including Total Maximum Daily Loads in the central coast region.
3. The EIR was prepared in accordance with CEQA, Public Resources Code, section 21000 *et seq.*, as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 *et seq.*

4. The EIR evaluates the potential environmental impacts of the Proposed Project (Order) and three alternatives: the No Project Alternative, the Agricultural Organization Alternative, and the Environmental Advocate Alternative.
5. In June 2017, Central Coast Water Board staff sent a formal notification of a decision to undertake a project and notification of consultation opportunity to the Ohlone/Costanoan-Esselen Nation in compliance with AB 52 (Pub. Res. Code section 21080.3.1). Additionally, in December 2018, Central Coast Water Board staff contacted all Tribes in close proximity to the central coast region to provide notice of the Order development and solicit consultation if desired.
6. In February 2018, the Central Coast Water Board published an Initial Study for a 73-day public comment period and posted the documents on the [Irrigated Lands Program, Agricultural Order Renewal 4.0 webpage](#). The Central Coast Water Board submitted a Notice of Completion and Environmental Document transmittal as well as a Notice of Preparation of a Draft Environmental Impact Report to the State Clearinghouse. The State Clearinghouse distributed the Initial Study to reviewing agencies. The Central Coast Water Board received comments from the Department of Fish and Wildlife, the California Farm Bureau Federation, and joint comments from the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, Grower-Shipper Association of Central California, Western Growers Association, San Luis Obispo County Farm Bureau, California Strawberry Commission, and Central Coast Groundwater Coalition.
7. In March 2018, Central Coast Water Board staff held a series of four CEQA scoping meetings throughout the central coast region in Salinas, Watsonville, Santa Maria, and San Luis Obispo.
8. On February 21, 2020, the Central Coast Water Board provided notice of availability of the draft EIR and draft Order to the public and posted the documents on the [Irrigated Lands Program, Agricultural Order Renewal 4.0 webpage](#). The public review period was from February 21, 2020, through April 6, 2020, and was extended twice, to June 22, 2020, due to the COVID-19 pandemic, for a 122-day public comment period.
9. On February 21, 2020, the Central Coast Water Board sent the draft EIR to and filed a Notice of Completion and Environmental Document Transmittal with the State Clearinghouse (SCH) (Cal. Code Regs., tit. 14, § 15085), initiating a 45-day public review and comment period for the draft EIR (SCH No. 2018021050) from February 25, 2020 to April 9, 2020. SCH provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
10. In June 2020, Central Coast Water Board staff conducted three outreach meetings, which included a presentation of the draft EIR. These outreach meetings were conducted virtually via the Zoom platform, due to the COVID-19 pandemic.

11. Beginning in September 2020 and continuing into January 2021, there were 10 days of Board workshops that discussed the proposed Project. The Board received and considered oral comments and suggestions on the draft Order from the public.
12. On January 26, 2021, the Central Coast Water Board circulated a revised Order for a second public comment period, from January 26, 2021 to February 25, 2021. The primary changes to the draft Order that were incorporated into the revised draft Order are listed below:
 - Addition of discount factor for organic fertilizers.
 - Addition of nitrogen scavenging credit for cover crops and high carbon amendments.
 - Addition of third-party cooperative alternative compliance pathway for groundwater protection and trend monitoring.
 - Addition of third-party program priority areas and follow-up implementation work plan due dates for surface water protection.
 - Streamlined total nitrogen applied (TNA) and irrigation and nutrient management plan (INMP) summary reporting section
 - Streamlined surface water protection requirements section.
 - Removal of slope and certified sediment and erosion control plan requirements for impermeable surfaces.
 - Removal of requirements to prepare riparian area management plans and to implement operational and riparian setbacks, but continued and modified requirements to document and maintain existing riparian areas.
13. In accordance with the revised draft Order reducing riparian area management requirements to prohibiting removal of existing riparian vegetation, the Project Objective 1.d was revised in the final EIR to remove “restoring” so it reads: “Protecting riparian and wetland habitat.” Additionally, the Project Description was revised to reflect the proposed changes to the riparian area management requirements (i.e., to remove setback requirements), as shown in the final EIR, Volume 1. The remainder of the EIR, including the impact analysis, was also revised to reflect the changes to the draft Order. Because the changes to the riparian area management requirements and other changes to the draft Order (see finding 13) would not result in any new previously undisclosed significant environmental impacts or substantially worse impacts from those evaluated and disclosed in the draft EIR, the Central Coast Water Board was not required to recirculate the draft EIR.
14. The Central Coast Water Board has received and considered all comments timely submitted regarding the draft EIR, and the responses to all substantive comments are provided in the final EIR, Volume 3.
15. The final EIR reflects changes made in consideration of the comments received on the draft EIR, as well as changes initiated by the Central Coast Water Board. These changes include modifying the final EIR to reflect the removal of some riparian area management requirements from the draft Order, as described in finding 13. These

changes to the final EIR also include clarifications and corrections that have been identified since circulation of the draft EIR. The changes do not result in any new significant impacts to the environment, nor do the changes result in a substantial increase in the severity of an environmental impact.

16. The Central Coast Water Board finds that on the basis of the whole record, the Project as described in the Order, with implementation of the mitigation measures described in the final EIR, Volume 1 and in the CEQA Mitigation Monitoring and Reporting Program (MMRP) (see final EIR, Volume 2), would not result in any significant effects on the environment.
17. The final EIR was presented to the Central Coast Water Board, and the Central Coast Water Board reviewed and considered the information contained in the final EIR prior to adopting the Order.
18. The final EIR has been completed in compliance with CEQA
19. The final EIR, CEQA Findings (Attachment B), and MMRP, reflect the independent judgment and analysis of the Central Coast Water Board.
20. The Central Coast Water Board considered all testimony and evidence at a public hearing held virtually on April 14-15, 2021, via the Zoom platform, and good cause was found to certify the final EIR.
21. The final EIR and the record of proceedings are available at the Central Coast Water Board's office, or by request.
22. In accordance with Title 14 of the California Code of Regulations, section 15094, the Central Coast Water Board will file a Notice of Determination with the State Clearinghouse within five working days after deciding to adopt the Order.

THEREFORE, be it resolved that the Central Coast Water Board hereby certifies the Environmental Impact Report for the Project.

I, Matthew T. Keeling, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on April 15, 2021.



Matthew T. Keeling
Executive Officer

Attachment A: Final EIR, including all appendices
Attachment B: CEQA Findings